IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

RP.No. 854 of 2007()

AGAINST THE JUDGEMENT IN INS.APPEAL.54/2006 Dated 26/02/2007
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REVIEW PETITIONERS: (RESPONDENTS IN THE INSURANCE APPEAL)
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1. THE REGIONAL DIRECTOR,
   EMPLOYEES STATE INSURANCE CORPORATION,
   THRISSUR.

2. THE RECOVERY OFFICER,
   EMPLOYEES STATE INSURANCE CORPORATION,
   THRISSUR.

BY ADV. SRI.T.P.M.IBRAHIM KHAN, SC, ESI CORPN.

RESPONDENT: (PETITIONER IN THE INSURANCE APPEAL)

M/S.HOTEL SAYANA, MUVATTUPUZHA,
REPRESENTED BY PROPRIETRIX A.X.SANTHA.

BY ADV. SRI.B.KRISHNA MANI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 05/10/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

R.P.NO.854 OF 2007 IN
INSURANCE APPEAL NO.54 OF 2006

Dated this the 5th day of October, 2007

O R D E R

Raman, J.

This is a petition seeking review of the judgment rendered on 26th February, 2007 in Insurance Appeal No.54/2006. In the judgment we noticed that pursuant to the interim order passed at the time of admission the appellant has already paid contribution for the period in question. In the circumstances, it was further observed that there arises no further liability during the period in question. The respondents in the appeal (petitioner herein) seek for a clarification that the said observation will not extend to the recovery of interest and damages.

2. We have heard both sides.

3. Since the amount was already deposited by the appellant pursuant to the interim order, this Court took the view that no further amount could be claimed towards contribution from the appellant. However, whether any statutory interest is liable to be paid by the appellant did not come up for consideration in the appeal and as such the said observation will not exinct the statutory liability regarding

payment of interest. However, regarding the damages, bona fide dispute between the parties regarding the very coverage of the establishment and such issue was finally settled by adjudication and in the peculiar facts and circumstances of this case no question of payment of any damages arises for the period in question.

Review Petition is disposed of as above.

Sd/-
P.R.RAMAN,
Judge.

Sd/-
ANTONY DOMINIC,
Judge.

kcv.